

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD F. MILLER,

Plaintiff,

v.

CA NO. 95-1231 (WBB/JMF)

PHILLIP HOLZMANN, et al.,

Defendants.

ORDER

This matter has now been referred to me for full case management and IT IS ORDERED that a status conference will be held on September 8, 2005 at 10 a.m. in Courtroom #4 on the second floor.

There follows a chart that represents my understanding of all outstanding motions. Motions that are in bold appear to me to be fully briefed and ready for resolution. Motions that are in italics have apparently been stayed. The numbers are the docket numbers assigned to the pleadings.

I would ask that counsel review the chart and the docket sheet for this case and advise me of any outstanding motions that I have missed. I expect counsel to come prepared to consult with each other to set firm dates for all remaining proceedings and for trial.

Date	Motion	Filed by	Response(s) by	Reply	Surreply
10/5/01	Motion to dismiss USA's complaint in intervention [27]	J.A. Jones Const.	USA [48]	[51]	n/a

5/30/02	Motion to dismiss USA's complaint in intervention [58]	Roy Anderson	Miller [71]	[75]	n/a
5/30/02	Motion to dismiss USA's complaint in intervention/ Lack of jurisd. [82]	Philipp Holzmann	USA [84]	n/a	n/a
5/30/02	Motion to dismiss USA's complaint in intervention/ Fail. to st. claim [83]	Philipp Holzmann	USA [85]	n/a	n/a
12/6/02	Leave to file third amended complaint [100], [memo at 101]	Richard Miller	Bill Harbert Int'l, Harbert U.K. Svcs. [165]	n/a	n/a
12/18/02	Leave to file amended complaint [110]	USA	Roy Anderson [119] Bill Harbert Int'l, Harbert U.K. Svcs. [126]	[128]	[167]
3/17/03	Motion to dismiss USA's complaint in intervention [132]	Harbert Int'l Establishment	USA [135]	[137]	n/a

10/7/03	Motion for partial summary judgment vs. Philipp Holzmann, Bilhar Int'l Establishment, ¹ & Roy Anderson [142]	USA	Harbert Int'l Establishment [149] Roy Anderson [151] Philipp Holzmann [153] Bill Harbert Int'l, Harbert U.K. Svcs. [154]	[157] [158] [159] [160]	n/a
10/8/03	Motion for partial summary judgment (Stmnt. of mat. facts to which no gen. issue) [143]	USA	Roy Anderson [150]	[158]	n/a
3/1/04 ²	Motion to dismiss Miller's second amended complaint [161]	Bill Harbert Int'l, Harbert U.K. Svcs., Bill L. Harbert	Miller [102]	[163]	n/a
3/1/04 ³	Motion to dismiss USA's complaint in intervention [162]	Bill Harbert Int'l, Harbert U.K. Svcs., Bill L. Harbert	USA [109]	[165]	n/a

¹ The parties dispute the identity of defendant Bilhar Int'l Establishment f/k/a Harbert Int'l Establishment, and Harbert Int'l Establishment's opposition and preceding Motion to dismiss [132] seek to resolve that dispute.

² Originally filed October 19, 2002 but not docketed until March 1, 2004.

³ See *supra* note 2.

4/22/04	<i>Motion to dismiss Fail. to st. claim [173]</i> ⁴	Philipp Holzmann	n/a	n/a	n/a
5/6/04	<i>Extension of time to file opposition to Holzmann's Motion to dismiss #173 [174]</i> ⁵	American Int'l Contractors, Roy Anderson, Bill Harbert Int'l, Harbert U.K. Svcs., Harbert Int'l Establishment, Bill L. Harbert, Fru Con Const. Corp., Fru-Con Const. Co., George A. Fuller Co., J.A. Jones Const., Sabbia A.G., Philipp Holzmann	n/a	n/a	n/a
6/28/04	<i>Extension of time to file response/reply to Holzmann's Motion to dismiss #173 [176]</i> ⁶	USA	n/a	n/a	n/a
5/6/05	Withdraw as attorney [193]	Bill L. Harbert	n/a	n/a	n/a

⁴ Defendant argues the government, as plaintiff, and Miller, as relator, failed to state a claim because the Foreign Assistance Act preempts the causes of action on which this lawsuit is based.

⁵ Although the court did not rule on this motion, the court did grant the government's seven subsequent motions requesting extensions to the deadline to file an opposition. Ultimately, the court granted the government's motion to stay briefing on Holzmann's motion to dismiss on April 28, 2005. Those rulings make this motion moot.

⁶ See *supra* note 5.

Counsel are also asked to state whether the following matters require any court action.

Date	Motion	Filed by	Response(s) by	Reply	Surreply
3/13/01	Motion to intervene [4]	USA	n/a	n/a	n/a
10/1/03	Suggestion of bankruptcy [140]	J.A. Jones Const.	USA [144]	[146]	n/a

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: